

Franchise Tax Board**ANALYSIS OF ORIGINAL BILL**

Author: Pavley Analyst: Deborah Barrett Bill Number: SB 257
Related Bills: See Legislative History Telephone: 845-4301 Introduced Date: February 24, 2009
Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: State Agencies Notify Each Female Nearing Maternity Leave Of Provisions Relating To Lactation Accommodation

SUMMARY

This bill would require state agencies to provide information related to lactation accommodations to female employees nearing maternity leave.

PURPOSE OF THE BILL

According to the author's office, the purpose of this bill is to put specific information into the hands of women to assist them in making the decision to breast-feed their infant children.

EFFECTIVE/OPERATIVE DATE

This bill would be effective and operative on January 1, 2010.

POSITION

Pending.

ANALYSIS**FEDERAL/STATE LAW**

Federal law provides that breast-feeding is allowed on any federal property that the individual has a right to access.

Under state law, every employer is required to provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. An employer is not required to provide break time if to do so would seriously disrupt the operations of the employer.

State employers are required to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private.

Board Position:

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Department Director

Date

Selvi Stanislaus

03/26/09

THIS BILL

This bill would require each state agency to provide through its usual channels of communication, each female employee nearing maternity leave the following information:

- The provisions of the Labor Code regarding Lactation Accommodations.
- “The Employee’s Guide to Breastfeeding And Working” published in 2008 by the Health Resources and Services Administration of the US Department of Health and Human Services or a similar comprehensive publication addressing the issue of employees breast-feeding at work that is prepared by the federal government, the State Department of Public Health, or a medical, or other health, or breast feeding support organization.

A referral of an employee to an Internet Web site where the information described may be located would satisfy the employer’s requirements under this bill.

This bill also contains Legislative findings regarding the importance of breast-feeding for infant and mother health and long term health benefits.

IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not significantly impact department programs or operations.

OTHER STATES’ INFORMATION

Twenty-one states, the District of Columbia, and Puerto Rico have laws related to breastfeeding in the workplace. Those states include *California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana, Minnesota, Mississippi, Montana, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, and Wyoming.*

FISCAL IMPACT

Implementing this bill would not impact department costs.

ECONOMIC IMPACT

This bill would not impact state income tax revenues.

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